

**C**

November 9, 1999

Letter of Appeal  
Schools and Libraries Division  
Box 125-Correspondence Unit  
100 S. Jefferson Road, Whippany, NJ 07981.

Reference: Boston Public Library/Metro Boston  
Library Network, billed entity 149096, 471 application  
number:151165 , funding requests: 0000269172

The Boston Public Library/Metro Boston Library Network (BPL) is respectfully requesting reconsideration of the Schools and Libraries Division's denial of funding for the funding requests listed above. This letter and its attachments support our appeal for full funding of these items.

#### JUSTIFICATION FOR APPEAL

The denial explanation for this funding request states, "30% or more of this FRN includes ineligible request for remote maintenance, remote monitoring, monitoring of leased lines, voice compression maintenance and CD server maintenance." We sincerely regret the inadvertent inclusion of some ineligible items in this request. However, we believe that two of the items included in the denial are indeed eligible under program rules.

First, the item identified as remote maintenance – \$47,600 on the attached cost breakdown, which we previously provided the SLD during the application process – is the cost of LAN and internal connections at the BPL remote (i.e. branch) locations. If you examine the top section of the cost breakdown you will see a list of the BPL branches and a column headed "onsite maint." The total for this column, \$46,700, is carried forward below under the description "remote maintenance." We regret the confusion caused by the use of the word "remote." Remote in this context means remote from the main library. This category covers maintenance services that are indeed eligible for reimbursement under program rules.

The second item that we appeal is the denial of voice compression equipment maintenance. The voice compression equipment referred to is a multiplexer under the program rules. The eligible services list defines a multiplexer.

A multiplexer is electronic equipment that allows two or more signals to pass over one communications, or bearer circuit. The "circuit" may be a telephone line, dedicated line, microwave circuit, or a through-the-air TV signal. It provides an economic means for the service provider and customer to transport multiple circuits by combining, as an example, up to 24 voice grade circuits on a single bearer circuit.

If provided as part of internal connections for a local area network it is eligible. If provided as part of a wide area network, it must meet the rules governing WANs.

The voice compression equipment covered in this funding request are cards that go in our routers and which convert voice signals to digital data so that they may be carried over the same dedicated lines that we use to connect the branches for Internet access. These lines are provided by Bell Atlantic and meet the rules governing WANs. They precisely "provide and economic means for the service provider and customer to combine multiple circuits..."

With these two eligible services removed from consideration the remaining ineligible services total \$52,500, as shown below. This is 28% of the \$188,320 total for this funding request. Thus this funding request should be approved after the deduction of the ineligible items identified.

Item	Cost
Remote monitoring	\$42,000
Monitoring leased lines	\$3,300
CD server maintenance	\$7,200
Ineligible total	\$52,500

Please do not hesitate to contact me if you have any questions, or need additional information to support our appeal.

Sincerely,



Respectfully submitted,  
Patrick Cafferty  
Systems Officer  
Boston Public Library  
(617) 536-5400, PCafferty@bpl.org

**D**

November 9, 1999

Letter of Appeal  
Schools and Libraries Division  
Box 125-Correspondence Unit  
100 S. Jefferson Road, Whippany, NJ 07981.

Reference: Boston Public Library/Metro Boston  
Library Network, billed entity 149096, 471 application  
number:151165 , funding requests: 0000269173 —

The Boston Public Library/Metro Boston Library Network (BPL) is respectfully requesting reconsideration of the Schools and Libraries Division's denial of funding for the funding requests listed above. This letter is in support our appeal for full funding of these items.

#### JUSTIFICATION FOR APPEAL

The denial explanation for this funding request states "30% or more of this request includes a request for salary of 2 full-time technicians at the library for 40/hrs/wk which is an ineligible product(s)/service(s) based on program rules." We respectfully suggest that the request is for wiring service, which is an eligible item. Salary is ineligible when applied to employees of the school or library. These technicians are not library employees. In fact, this is a time and materials contract with a level of effort specified as two workers. The service provider makes choice of the technicians. They work under the supervision of the vendor. The vendor provides their salary and benefits. They amount billed is the vendors billing rate, not the technicians salary. Clearly, under existing Federal (IRS) rules they are considered employees of the vendor, who is providing a service to the Library. The work the technicians will perform is data wiring which is an eligible service. Thus the BPL requests that this funding request be approved in full.

Please do not hesitate to contact me if you have any questions, or need additional information to support our appeal.

Sincerely,



Respectfully submitted,  
Patrick Cafferty  
Systems Officer  
Boston Public Library  
(617) 536-5400, pcafferty@bpl.org

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Box 125 – Correspondence Unit  
100 South Jefferson Road  
Whippany, New Jersey 07981

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**Administrator's Decision on Appeal - Funding Year 1999-2000**

April 27, 2000

Patrick Cafferty  
Boston Public Library  
PO Box 286  
Boston, MA 02117

Re:   Billed Entity Number:           149096  
      Application Number:           151165  
      Funding Request Number(s):   269172, 269173  
      Your Correspondence Dated:   11/9/99

After thorough review and investigation of your appeal, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company has resolved your appeal seeking approval of additional discounts for the second program year. This letter addresses our decision concerning each Funding Request Number that was included in your letter of appeal for the Application Number cited above. If your letter of appeal addressed more than one Application Number, a separate letter will be issued to inform you of our decision on the appeal of each Application Number.

Funding Request Number:   269172  
Decision on Appeal:       Denied in full

**Explanation:**

- Your funding request included more than 30% of ineligible services, which resulted in the denial of the entire amount of the FRN. Remote maintenance, remote monitoring, monitoring leased lines, voice compression maintenance and CD server maintenance are all ineligible according to program rules.

Funding Request Number:   269173  
Decision on Appeal:       Denied in full

**Explanation:**

- Your funding request included more than 30% of ineligible services, which resulted in the denial of the entire amount of the FRN. Full time technicians are considered ineligible according to program rules.

If you feel further examination of your application is in order, you may file an appeal with the Federal Communications Commission, Office of the Secretary, 445 12<sup>TH</sup> Street, SW, Room TW-A325, Washington, DC 20554. Before preparing and submitting your appeal, please be sure to review the FCC rules concerning the filing of an appeal of an Administrator's Decision, which are posted to the SLD Web Site at <[www.sl.universalservice.org](http://www.sl.universalservice.org)>. You must file your appeal with the FCC no later than 30 days from the date of the issuance of this letter, in order for your appeal to be timely filed.

You should now move ahead, if you haven't already done so, with your Form 486 and related post-commitment arrangements for services for which funds have been committed and services have begun to flow. We thank you for your continued support, patience, and cooperation during the appeal process.

Schools and Libraries Division  
Universal Service Administrative Company



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<b>MISCELLANEOUS</b>			
<b>Bid Bond</b>	A Bid is a bond, which is generally obtained by a vendor or contractor from a third party, that guarantees the terms of the contract or agreement are met. In the event of default or failure to meet the terms, the bond would be used to complete the contracted work.	No	459 460
<b>Consulting Services</b>	The cost associated with services provided by consultants retained to assist schools and libraries.	No	459 460
<b>Direct Broadcast Satellite (DBS)</b>	Direct Broadcast Satellite (DBS) is a digital system that uses satellite to transmit TV programs to its subscribers. The transmitted signals are received using individual roof top antennas. Program reception of the subscriber is limited to those channels broadcast by a specific provider.	No	431
<b>Electronic Library</b>	Searchable version of the reference and periodical sections of local public library. It indexes and archives magazine and newspaper articles, several encyclopedias, maps, books and television transcripts. Storage devices are not eligible for discount. See Internet content for additional information.	No	460 461
<b>Finance Charges</b>	Finance charges are those charges assessed by third party entities for loans to fund the lease or purchase of items that would normally be eligible for funding.	No	431 459 460
<b>Freight Assurance Fees</b>	Freight assurance fees are fees assessed to the purchaser for the guarantee of safe delivery to their premises of goods. More clearly stated it is shipping insurance. Freight assurance fees are eligible for discount.	Yes	459 460
<b>Interest Charges</b>	Interest charges are those charges assessed by third party entities for loans to fund the lease or purchase of items that would normally be eligible for funding. Interest charges are not eligible for discount.	No	431 459 460
<b>Labor</b>	The labor charges incurred for the installation and contractual maintenance of eligible Telecommunications Services, Internal Connections and Internet Access are eligible for discount. No personnel costs, fees or salaries incurred by schools and libraries are eligible for discounts. The Service Category used for labor should reflect the same service category of the product, or service being installed or maintained.	Yes	450 451 459 460
<b>Leasing Fees</b>	Leasing fees charged for the leasing of eligible services and products. Finance charges associated with leasing are not eligible.	Yes	459 460
<b>Maintenance &amp;</b>	Installation, Labor and Maintenance Agreement (contract or	Conditional	450

**CC DOCKET NO. 96- 45<sup>1</sup>**

<b>Installation</b>	tariff) fees -The charges incurred for the installation and contractual maintenance of eligible Telecommunications Services, Internal Connections and Internet Access are eligible for discount. No personnel costs, fees or salaries incurred by schools and libraries are eligible for discounts. The charges incurred for the maintenance and installation performed on eligible Telecommunications Services, Internal Connections and Internet Access on a time and material basis are eligible for discount. The Service Category used for Maintenance & Installation should reflect the Service Category of the product or service being installed or maintained. As an example, if the service being installed is a Telecommunications Service, then the installation should also reflect that same category, Telecommunications Service.		451 452 459 460
<b>Metropolitan Area Network (MAN)</b>	<p>Metropolitan Area Network (MAN) is a data network designed for a town or city. In terms of geographic breadth, MANs are larger than Local Area Networks (LANs) but smaller than Wide Area Networks (WANs). MANs are usually characterized by connections using fiber high-speed optic cable or other digital media. In terms of the "E-Rate" program, a MAN and WAN are considered the same</p> <p>The cost of purchasing MANs, as is the WAN, to provide Telecommunications Service is not eligible for support. However, schools and libraries are not precluded from receiving support for a metropolitan area network run over leased telephone lines because such an arrangement constitutes a Telecommunications Service.</p>	Conditional	458    Fourth Recon. Order 193 210
<b>Per Diem</b>	Per Diem is a dollar amount designated to a vendor for daily expenses such as lodging and food. It may or may not include travel time. It is eligible for funding if a contract with a vendor stipulates, or allows, for per diem. It is not eligible if it is not part of a contract or bid.	Conditional	450 451 459 460
<b>Performance Bond</b>	A Performance Bond is a bond, generally obtained by the vendor or contractor from a third party, that guarantees the terms of the contract or agreement are met. In the event of default or failure to meet the terms, the bond would be used to complete the contracted work.	No	459 460
<b>Personnel Costs</b>	Personnel costs for various eligible services incurred by an eligible entity are ineligible for discounts.	No	437

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**CC DOCKET NO. 96- 45<sup>1</sup>**

<b>Video Channel Modulator</b>	Video distribution box, which takes standard video and audio input from video cameras, recorders, security systems, satellite receivers, disk players and video games and distributes the signals to the end user.	No	460
<b>Video Conference Equipment</b>	Equipment used for video conferencing service such as CODEC's, TV, Cameras, etc.	No	460
<b>Voice Compression Module</b>	<p>The Voice Compression Module allows voice and fax traffic to share the same lines as data and LAN traffic. A single Voice Compression Module simultaneously compresses up to 32 channels for transmission over public or private frame relay networks or dedicated leased lines.</p> <p>The Voice Compression Module is an eligible component of Internal Connections as long as it is installed in an eligible component. If installed in a workstation, or personal computer, it is not eligible.</p>	Conditional	460
<b>Video Equipment</b>	Video Equipment is ineligible for discount.	No	460
	<p>Enhanced Multimedia Interface (EMMI)</p> <p>The EMMI is an interface that gives PC and workstation users on ATM networks the ability to send and receive full-motion, high quality video, CD-quality stereo and high speed data. Signals are transformed into ATM cells and transported optically, using the Synchronous Optical Network (SONET) standard.</p>	No	460
	<p>Media Retrieval Equipment</p> <p>Media retrieval equipment is used to capture and record video signal. The system includes a computer, controller for record and playback function and imaging and system control software.</p> <p>The system acquires, digitizes and records video on disk for future use and viewing. The storage device is generally a computer hard drive.</p>	No	460
	<p>Room Design Consulting &amp; System Integration</p> <p>Consulting fees are not eligible for discount. Normally, these charges would be incorporated into the cost of the service, which would be eligible.</p>	No	460
	Television	No	460 461

H



Cisco Systems, Inc.  
55 Hayden Avenue  
Suite 4200  
Lexington, MA 02173  
Phone: 781 402-6400  
Fax: 781 402-6499  
<http://www.cisco.com>

May 25, 2000

Bernard A. Margolis  
President  
Boston Public Library  
Copley Square  
Boston, MA 02116

Dear Mr. Margolis:

I am writing this letter on behalf of Cisco Systems, Inc. to verify the use of voice compression modules in the Cisco 3640 routers recently selected for the Boston Public Library's wide area network. The modules themselves are a component of the router. The Cisco 3640 router is an eligible item under SLD rules. In the case of the Boston Public Library the routers are connected to 384K frame relay circuits provided by Bell Atlantic.

I hope this clarifies any issues or areas of confusion. Please let me know if any further assistance is required on this matter.

Sincerely,

A handwritten signature in cursive script that reads "Kevin Cote".

Kevin Cote  
Account Manager  
Cisco Systems, Inc.





**AFFIDAVIT OF EDWARD MAHEIGAN**

I, Edward Maheigan, upon oath, depose and state the following:

1. I am currently employed as Procurement Manager for the Boston Public Library (BPL). I have held this position since October, 1998.
2. As part of my duties as Procurement Manager for BPL, I conducted the bidding, procurement, and administration of the contract for Project No. 9398, C. 149, between Balco, Inc. and BPL commencing on January 1, 1999 through June 30, 2001.
3. I have first hand knowledge of the terms and conditions of this contract with Balco, Inc., specifically, the provision for two telecommunication specialists.
4. By the terms of the contract, the two telecommunication specialists are employees of the contractor, Balco, Inc., and are not City of Boston employees.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY THIS 25<sup>th</sup> DAY OF MAY, 2000.

  
Edward Maheigan

J

## BALCO, INC.

Boston Marine Industrial Park • 300 Northern Avenue • P.O. Box 9022 • Boston, MA 02205-9022 • (617) 482-0100 • FAX (617) 931-2991

May 24, 2000

*'Celebrating Fifty Years of Quality Service'*

Mr. Edward Mahelgan  
Procurement Manager  
Boston Public Library  
700 Boylston Street  
Boston, Massachusetts 02116

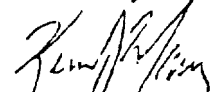
RE: Telecommunications Technicians for Boston Public Library

Dear Ed:

The Two (2) Telecommunications people that are working at the Boston Public Library, are employed by Balco, Inc., and are not employed by the City of Boston or the Boston Public Library, to provide services under the present contract with Balco Inc. and Boston Public Library.

If you have any questions, call me at 617-482-0100 ext 308.

Sincerely,



Kevin J. Morrison  
Sr. Account Executive

ACCA National Quality Award Recipient



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<b>Web Server</b>	<p>A web server is a computer which is connected to the Internet or Intranet, stores documents, files and displays them to users when accessing the server via http or hypertext transfer protocol. Web server software loaded onto a file server provides the same function.</p> <p>Every Web server has an IP address and possibly a domain name. The server fetches the page named <i>index.html</i> and sends it to your browser. Any computer can be turned into a Web server by installing server software and connecting the machine to the Internet.</p>	Yes	459 460
<b>Wire Manager</b>	Wire Managers are wire restraints to house/arrange wiring and cabling. They can be aluminum or plastic and may be rack mountable.	Yes	459 460
<b>Wireless PBX Adjunct</b>	An adjunct that functions in conjunction with a Private Branch Exchange, to provide wireless capability to the station end.	Yes	458 460
<b>Wiring, Internal</b>	Including, but not limited to: cable (copper/fiber/coax), bays, jacks, blocks, panels, and terminals. Included in this category is all wiring and cable necessary to transport information all the way to individual classrooms. Wiring may also include Category 5 type of wiring.	Yes	458 459 460